

Modification to Draft Dated October 3, 2006

Title 4. Business Regulations

Division 18. California Gambling Control Commission

Chapter 7. Conditions of Operation for Gambling Establishments

Article 6. Program for Responsible Gambling

Section 12460. Article Definitions

For purposes of this Article:

- (a) "Self-Exclusion" means an irrevocable voluntary agreement to be excluded from gambling establishments and all games or gaming activities or privileges and to be prohibited from collecting any winnings or recovering any losses for a specified term. A Self-Exclusion list shall be maintained by the Division and shall not be open to public inspection.
- (b) "Self-Restriction" means an irrevocable voluntary agreement for a specified term to:
- (1) Completely exclude from a particular gambling establishment and all games or gaming activities or privileges and to be prohibited from collecting any winnings or recovering any losses,
 - (2) Exclude from the play of a particular game or gaming activity, if the gambling establishment determines that such segregation of games is feasible,
 - (3) Restrict the amount of credit and/or check cashing that may occur at that particular gambling establishment, and/or
 - (4) Exclude from any marketing or promotional activities of the particular gambling establishment.

Authority: Sections 19811, 19823, 19840, 19841(o), and 19920, Business and Professions Code

Reference: Section 19845, Business and Professions Code

12461. Posting Referral Information

- (a) Each licensee, ~~within 120 days of the effective date of this regulation~~ by July 1, 2007, shall post or provide, at patron gambling entrances or exits, and in conspicuous places in or near gambling areas and any areas where cash or credit are available to patrons, accessible written materials concerning the nature and symptoms of problem gambling and the toll-free telephone number approved by the Office of Problem Gambling (or its successors) that provides information and referral services for problem gamblers, currently "1-800-GAMBLER".
- (b) If the licensee operates a web site for the gambling establishment, by July 1, 2007, that web site shall contain a responsible gambling message and a link to the Office of

1 Problem Gambling (or its successors) that provides information and referral services
2 for problem gamblers, currently "http://www.problemgambling.ca.gov".

- 3 (c) If the licensee produces any advertising material, by July 1, 2007, such material shall
4 contain a responsible gambling message and shall refer to the telephone number
5 listed in subsection (a) above and/or the link to the web site listed in subsection (b)
6 above.

7 Authority cited: Sections 19811, 19823, 19840, 19841(o), and 19920, Business and Professions Code.
8 Reference: Sections 19801 and 19920, Business and Professions Code. Sections 4359.2 and 4369.4,
9 Welfare and Institutions Code.
10

11 **12462. Training Requirements**

- 12 (a) Each licensee shall implement, ~~within 120 days of the effective date of this~~
13 ~~regulation~~ by July 1, 2007, procedures to conduct new employee orientations and
14 annual training for all employees, excluding food and beverage servers, who directly
15 interact with gambling patrons in gambling areas.
- 16 (b) New employee orientations and annual training shall be documented, including
17 signatures by the employee and the licensee or key employee who coordinated the
18 training, the date and length of the training, and the name of the trainer, as part of the
19 licensee's application for renewal. Copies of this documentation shall be kept in an
20 employee's personnel file for a minimum of five years.
- 21 (c) The training shall, at a minimum, consist of information concerning the nature and
22 symptoms of problem gambling behavior, assisting patrons in obtaining information
23 about problem gambling programs, and information on the self-restriction and self-
24 exclusion programs.
- 25 (d) Each licensee shall designate personnel responsible for maintaining the program and
26 addressing the types and frequency of such training and procedures.
- 27 (e) This section shall not be construed to require employees to identify problem
28 gamblers.

29 Authority cited: Sections 19811, 19823, 19840, 19841(o), and 19920, Business and Professions Code.
30 Reference: Sections 19801 and 19920, Business and Professions Code. Sections 4369.2 and 4369.4,
31 Welfare and Institutions Code.
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33 **12463. Self-Restriction Program**

- 34 (a) Licensees shall implement, ~~within 120 days of the effective date of this regulation~~
35 ~~by July 1, 2007~~, a program that allows patrons to self-limit their access to the
36 gambling establishment entirely, or to the issuance of credit, check cashing, or
37 marketing by that licensee. Such program shall contain, at a minimum, the following:
- 38 (1) The development of written materials for dissemination to patrons explaining the
39 program;

- (2) The development of written forms allowing patrons to participate in the program, which may include use of a form entitled "Self-Restriction Form" CGCC-036 (New ~~0309~~-06), attached in Appendix A to this Chapter;
- (3) Policies and procedures for maintaining and updating a list of self-restricted persons, wherein the confidentiality of the list is protected pursuant to regulation 12466 and only agents or employees have access, unless needed by Division staff or law enforcement pursuant to an investigation or in assisting in a Problem Gambling program by an entity approved by the Commission;
- (4) Policies and procedures that allow a patron to be excluded from certain games or gaming activities within the gambling establishment, if the gambling establishment determines that such segregation of games is feasible, or from the gambling establishment completely during the term of exclusion, with the exception of access for the sole purpose of carrying out the duties of employment, including:
- (A) Removal procedures for patrons who attempt entry after requesting to be excluded,
- (B) Notification to the Division of any incidents of removals where the police and/or security are called to remove a person from the premises, and
- (C) Forfeiture of any money or prizes won or any losses recovered by an excluded person and the remittance of such ~~to the Office of Problem Gambling (or its successors)~~ for deposit into the Gambling Addiction Program Fund for problem gambling prevention and treatment services through the Department of Alcohol and Drug Programs, Office of Problem and Pathological Gambling;
- (5) Policies and procedures that allow a patron to be excluded from access to check cashing or the issuance of credit during the term of restriction;
- (6) Policies and procedures that allow a patron to be excluded from customer lists maintained by the licensee for direct mail marketing, telephone marketing, and other direct marketing regarding gaming opportunities or promotions at the gambling establishment during the term of restriction;
- (7) Policies and procedures for removal of a patron from check-cashing, credit, or marketing opportunities by the gambling establishment.
- (b) This section does not mandate that a gambling establishment provide the services of a notary public for persons who wish to complete the Self-Restriction form.

Authority cited: Sections 19811, 19823, 19840, 19841(o), and 19920, Business and Professions Code.
Reference: Sections 19801, ~~and~~ 19920, and 19954, Business and Professions Code. Section 4369.4, Welfare and Institutions Code.

12464. Self-Exclusion Program.

- (a) Licensees shall implement, ~~within 120 days of the effective date of this regulation by July 1, 2007~~, a program that allows patrons to self-exclude themselves from gambling establishments using a form entitled "Self-Exclusion

Form” CGCC-037 (New ~~0309~~-06), attached in Appendix A to this Chapter. Such program shall contain, at a minimum, the following:

- (1) Policies and procedures for providing Self-Exclusion forms and for sending any completed Self-Exclusion forms to the Division;
- (2) Policies and procedures for maintaining and updating a list of self-excluded persons, wherein the confidentiality of the list is protected pursuant to regulation 12466 and only agents or employees have access, unless needed by Division staff or law enforcement pursuant to an investigation or in assisting in a Problem Gambling program by an entity approved by the Commission;
- (3) Policies and procedures ~~to ensure that~~ designed to thwart self-excluded patrons, as noticed by the Commission or Division, ~~are not allowed on the premises from entering the gambling area~~ during the term of exclusion, with the exception of access for the sole purpose of carrying out the duties of employment, including removal procedures for patrons who attempt entry after requesting to be excluded and notification to the Division of any incidents of removals, where the police and/or security are called to remove a person from the premises;
- (4) Policies and procedures for the forfeiture of any money or prizes won or any losses recovered by an excluded person and the remittance of such ~~to the Office of Problem Gambling (or its successors)~~; for deposit into the Gambling Addiction Program Fund for problem gambling prevention and treatment services through the Department of Alcohol and Drug Programs, Office of Problem and Pathological Gambling;
- (5) Policies and procedures for removal of a patron from customer lists maintained by the licensee for direct mail marketing, telephone marketing, and other direct marketing regarding gaming opportunities or promotions at the gambling establishment;
- (6) Policies and procedures for removal of a patron from check-cashing, credit, or marketing opportunities by the gambling establishment.

- (b) This section does not mandate that a gambling establishment provide the services of a notary public for persons who wish to complete the Self-Exclusion form.

Authority cited: Sections 19811, 19823, 19840, 19841(o), and 19920, Business and Professions Code.
Reference: Sections 19801, ~~and~~ 19920, and 19954, Business and Professions Code. Section 4369.4, Welfare and Institutions Code.

12466. Responsible Gambling Program Review

- (a) The Executive Director or Division staff may require that any licensee make available for review or submit any of the elements of its program described in this Article, to the Executive Director or Division staff for review. If the Commission makes an administrative determination that the licensee’s program does not adequately address the standards as set forth in this Article, then the Executive Director may issue such a determination identifying the deficiencies and specifying a time certain within which

Proposed Regulations for Program for Responsible Gambling

October Modification to Proposed Regulations shown in ~~strikeout~~/underline

November Modification to Proposed Regulations shown in ~~bold italic strikeout~~/ bold italic underline

those deficiencies shall be cured. Judicial review of the Executive Director's decision is subject to the limitation of Business and Professions Code Section 19804.

- (b) Failure by a licensee to establish the programs set forth in this Article, or to cure a deficiency identified pursuant to subsection (a), constitutes an unsuitable method of operation and is in violation of this section.

(c) Protecting the confidentiality of self-restriction or self-exclusion lists includes:

(1) Not willfully disseminating self-excluded or self-restricted patrons' names, photos, or other personally identifying information to third parties or confirming to third parties whether or not a patron is on a self-exclusion or self-restriction list.

(2) Not posting self-excluded or self-restricted patron photos or other personally identifying information in areas where other patrons would readily notice the information.

~~(e)~~(d) In addition to any other remedy under the Gambling Control Act, the Commission may assess a monetary penalty not exceeding \$1,000 for each violation of this ~~section~~**Article**.

~~(d)~~(e) This ~~section~~**Article** does not create any right or cause of action on behalf of an individual who participates in self-restriction or self-exclusion under this Article against the state of California, the California Gambling Control Commission, the Division of Gambling Control, the Office of Problem Gambling, or ~~a~~**any** gambling establishment.

Authority cited: Sections 19811, 19823, 19840, 19841(o), and 19920, Business and Professions Code.
Reference: Sections 19801 and 19920, Business and Professions Code. Section 4369.4, Welfare and Institutions Code.

Appendix A